

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

FEIN, SUCH, KAHN & SHEPARD, P.C.

Counsellors at Law
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Attorneys for Secured Creditor
PNC BANK, NATIONAL ASSOCIATION
JILL A. MANZO, ESQ.
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bankruptcy@fskslaw.com

In Re:

JACQUELINE SMITH

Debtor(s).

Case No.: 20-23171 SLM

Adv. No.:

Chapter: 13

Hearing Date: February 10, 2021

Judge: Honorable Stacey L. Meisel

**OBJECTION OF PNC BANK, NATIONAL
ASSOCIATION TO CONFIRMATION OF
DEBTOR'S PLAN**

I, JILL A. MANZO, ESQ. , do hereby certify as follows:

1. I am an attorney at law of the State of New Jersey associated with the law firm of FEIN, SUCH, KAHN & SHEPARD, PC, attorneys for **PNC BANK, NATIONAL ASSOCIATION**, ("Secured Creditor" herein), and I am fully familiar with the facts and circumstances of the within matter.

2. Secured Creditor objects to confirmation of Debtor's plan for the reasons which follow:

(a) Secured Creditor holds a mortgage on Debtor's residence which is located at 657 E GRAND AVE, RAHWAY CITY, NJ

07065. As of the date of the bankruptcy filing, Debtor was in default on the terms of the Note and Mortgage. Total arrears due to Secured Creditor through the plan are approximately \$3,284.31. Secured Creditor intends to file a Proof of Claim with the Court.

(b) Part 4(b) of the Debtor's proposed Plan provides for payment of arrears of \$2,964.88 to the Secured Creditor. Debtor's proposed plan is insufficient in that it understates the amount of Secured Creditor's arrears that are required to be cured through the Plan. Absent a modification by the Debtor to include the correct amount of arrears, this plan can not be confirmed.

(c) Furthermore, Secured Creditor objects to Debtor's confirmation in that if the Debtor is post-petition delinquent at confirmation and Debtor's case is dismissed then any excess funds that the Chapter 13 Trustee is holding should be released to the Secured Creditor. Absent the release of such excess funds in the possession of the Trustee, Secured Creditor is substantially harmed as the Debtor has enjoyed the benefit of the automatic stay to the detriment of Secured Creditor. Absent such language in the Order of Confirmation, confirmation of Debtor's plan must be denied.

3. For the reasons stated above, and for any others that the Court deems fit to adopt, Secured Creditor respectfully objects to Debtor's plan and confirmation thereof.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

FEIN, SUCH, KAHN & SHEPARD, PC.
Attorneys for PNC BANK, NATIONAL
ASSOCIATION

By: /S/JILL A. MANZO, ESQ.

DATED: December 30, 2020

cc: RUSSELL L. LOW, ESQ. - DEBTOR(S)' ATTORNEY
MARIE-ANN GREENBERG, ESQ. - TRUSTEE

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CERTIFICATION OF SERVICE

1. I, Ruth Essington:

☐ represent the _____ in this matter.

☒ am the secretary/paralegal for FEIN, SUCH, KAHN & SHEPARD, P.C.,
who represents the Secured Creditor, PNC BANK, NATIONAL
ASSOCIATION in this matter.

☐ am the _____ in the above case and am
representing myself.

2. On December 31, 2020, This office caused to be mailed a copy of
the following pleadings and/or documents to the parties listed in
the chart below:

a. Objection to Confirmation

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
RUSSELL L. LOW LOW & LOW 505 MAIN ST. SUITE 304 HACKENSACK, NJ 07601	Debtor(s)' Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)
MARIE-ANN GREENBERG CHAPTER 13 STANDING TRUSTEE 30 TWO BRIDGES RD SUITE 330 FAIRFIELD, NJ 07004	Trustee in Bankruptcy	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)
U.S. TRUSTEE US DEPT OF JUSTICE OFFICE OF THE US TRUSTEE ONE NEWARK CENTER, STE 2100 NEWARK, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)
JACQUELINE SMITH 657 E GRAND AVE RAHWAY, NJ 07065	Debtor(s)	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: 12/31/20

/s/Ruth Essington

Paralegal